

**CONFERENCE COMMITTEE REPORT
DIGEST FOR SB 643**

Citations Affected: IC 6-3.1; noncode.

Synopsis: Tax credit for brownfield program. Allows a tax credit against state tax liability for certain voluntary environmental remediation costs. Limits the credit to \$1,000,000 statewide. Provides that the credit amount each year shall be deducted from the environmental remediation revolving loan fund subaccount to replenish the state general fund. (This conference committee does the following: (1) Limits the credit to \$1,000,000 statewide; (2) Provides that no new tax credits are allowed for tax years beginning after December 31, 2001; (3) Provides that the Indiana department of environmental management shall share administrative duties with the Indiana development finance authority.)

Effective: Upon passage; July 1, 1999.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 643 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Replace the effective date in SECTION 1 with "[EFFECTIVE JULY
- 2 1, 1999]".
- 3 Page 2, line 5, after "management" insert "**and the Indiana**
- 4 **development finance authority**".
- 5 Page 3, line 8, delete "the lesser of:".
- 6 Page 3, line 9, delete "(1)".
- 7 Page 3, run in lines 8 through 9.
- 8 Page 3, line 10, delete "; or" and insert ".".
- 9 Page 3, delete line 11.
- 10 Page 3, line 35, after "management" insert "**and the Indiana**
- 11 **development finance authority**".
- 12 Page 4, line 21, after "management" insert "**and the Indiana**
- 13 **development finance authority**".
- 14 Page 4, line 25, after "management" insert "**and the Indiana**
- 15 **development finance authority**".
- 16 Page 4, line 42, after "management" insert "**and the Indiana**
- 17 **development finance authority**".
- 18 Page 5, line 23, delete "two" and insert "**one**".
- 19 Page 5, line 23, delete "(\$2,000,000)" and insert "**(\$1,000,000)**".
- 20 Page 5, line 24, delete "." and insert "**unless the Indiana**
- 21 **development finance authority determines under subsection (f) that**
- 22 **money is available for additional tax credits in a particular state**
- 23 **fiscal year.**".
- 24 Page 6, line 1, delete "treasurer of state" and insert "**Indiana**
- 25 **development finance authority**".

Page 6, line 2, delete "treasurer of state" and insert **"Indiana development finance authority"**.

Page 6, line 3, delete "the industrial".

Page 6, line 4, delete "developmental grant fund (IC 4-4-12) and".

Page 6, line 6, delete "grant fund or".

Page 6, between lines 9 and 10, begin a new paragraph and insert:

"(e) The applicant shall notify the Indiana department of environmental management and the Indiana development finance authority that the applicant intends to pursue tax credits under this chapter at the time that the applicant applies to the Indiana department of environmental management for participation in the voluntary remediation program.

(f) At the end of each state fiscal year, the Indiana development finance authority may determine whether money is available to provide tax credits in excess of the amount set forth in subsection (a) in the subsequent state fiscal year.

(g) Before December 31 of each year, the Indiana development finance authority may assess the demand for tax credits under this chapter and determine whether the need for other brownfield activities is greater than the need for tax credits. If the Indiana development finance authority determines that the need for other brownfield activities is greater than the need for tax credits, the authority may set aside up to three-fourths (3/4) of the amount of allowable tax credits for the state fiscal year and use it for other brownfield projects. The Indiana development finance authority may use money not used for tax credits for any permissible purpose. However, money specifically appropriated for tax credits may not be set aside for any other use.

Sec. 16. A tax credit may not be allowed under this chapter for a taxable year that begins after December 31, 2001. However, this section does not affect the ability of a taxpayer to carry forward the excess of a tax credit claimed for taxable years 2000 or 2001 under section 11 of this chapter."

Page 6, after line 12, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] (a) Before December 31, 1999, the Indiana development finance authority shall determine whether money is specifically appropriated to provide tax credits for the taxable year 2000 in excess of the amount set forth in IC 6-3.1-20-15(a), as added by this act.

(b) If money is specifically appropriated for tax credits in the period beginning July 1, 1999, and ending June 30, 2001, the Indiana development finance authority, with the approval of the budget committee, shall use the money to provide tax credits under IC 6-3.1-20, as added by this act.

SECTION 4. An emergency is declared for this act."

Re-number all SECTIONS consecutively.

(Reference is to ESB 643 as printed April 6, 1999.)

Conference Committee Report
on
Senate Bill 643

Signed by:

Senator Gard

Representative Weinzapfel

Senator Simpson

Representative Lutz J

Senate Conferees

House Conferees